

### **REMARKS**

Claims 1-14 remain pending in the present application. Claims 1, 2 and 4-10 have been amended. Claims 11-14 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 8-9 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 8 and 9 have been amended to include a computer readable memory. Reconsideration of the rejection is respectfully requested.

Claim 10 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claim 10 has been amended to include determining adjustment data that represents a sound characteristic of a communication channel. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Brown, et al. (U.S. Pat. No. 6,574,601 B1). Applicants respectfully traverse this rejection. Claims 1 and 5, as amended, define the communication terminal as including means for adjusting a sound characteristic of the communication network prior to providing communication from the communication terminal to the voice recognition server.

Brown, et al., in column 3, lines 28-35, states that barge-in typically require the speech recognition system to remove the synthetic or recorded speech using for example echo cancellers. The echo is generated only in the terminal and Brown, et al. is silent about a correction of the sound characteristic prior to providing communication from the communication terminal to the voice recognition server.

Thus, Applicants believe Claims 1 and 5, as amended, patentably distinguish over the art of record. Likewise, Claims 2-4 and 6, which ultimately depend from Claims 1 or 5, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claims 2 and 6, they define a loop back voice signal transmitted between the voice recognition system and the communication terminal in order to allow the voice recognition server to produce adjustment data based on an analysis of the loop back voice signal. The communication terminal adjusts the sound characteristic based on this adjustment data. Brown, et al. discloses an adaptive endpointer system which detects a barge-in event to determine when to send the speech prompt to the voice recognition system. Brown, et al. does not disclose, teach or suggest the loop back communication, the producing of adjustment data and then the adjustment of the sound characteristic based on the adjustment data as defined in Claim 2.

Regarding Claims 7 and 9, they also define the voice recognition server as including the loop back voice signal and the producing of adjustment data of the voice recognition server. Voice recognition server 34 of Brown, et al. does not produce adjustment data that is sent to the communication terminal. Thus, Applicants believe

Claims 7 and 9 patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 8, it defines the communication terminal as producing a test sound based on a voice signal received from the voice recognition server. A loop back voice signal is produced based on the test sound and adjustment data is received from the voice recognition server. The sound characteristics are adjusted based upon the adjustment data. The communication terminal of Brown, et al. does not disclose, teach or suggest this communication between the communication terminal and the voice recognition server. Thus, Applicants believe Claim 8 patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 10, it defines the method of determining adjustment data that represents a sound characteristic, determining an appropriate second characteristic using the adjustment data and adjusting a voice signal based on the appropriate sound characteristic. The system of Brown, et al. does not disclose, teach or suggest this communication between the communication terminal and the voice recognition server. Thus, Applicants believe Claim 10 patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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